

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 88-14

AN ORDINANCE GENERALLY AMENDING THE HOMER MUNICIPAL CODE TO BRING THE CODE INTO CONFORMANCE WITH TITLE 29, MUNICIPAL GOVERNMENT, OF THE ALASKA STATUTES.

WHEREAS, the Alaska Legislature generally revised Title 29 of the Alaska Statutes with changes effective January 1, 1985; and

WHEREAS, the Homer City Council has considered and approved the revisions as they apply to the Homer Municipal Code, and wishes to adopt said changes by ordinance.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer Municipal Code (hereinafter HMC) Section 1.24.050 d. regarding special meetings, is hereby repealed and reenacted to read:

d. Special Meetings:

1. Called by Mayor or majority of the Council.

2. If a majority of members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members, a special meeting may be held at the call of the presiding officer or at least one-third of the members.

3. A special meeting may be conducted with less than 24 hours notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held.

4. Agenda shall be as per subsection (c).

(A.S. 29.20.160(b))

1 Section 2. HMC Section 1.24.050 i. regarding abstentions
2 from voting by Councilmembers is hereby repealed and reenacted to
3 read as follows:

4 i. Abstentions:

5 All Council persons present shall vote unless
6 absention is required by law. (A.S. 29.20.160(d)).

7 Section 3. HMC Section 4.04.200 a. regarding run-off
8 elections is hereby repealed and reenacted to read:

9 4.04.200 Runoff Election: a. If no candidate
10 for the office of councilman receives in excess of
11 forty percent of the votes cast for his respective
12 office, a run-off election shall be held on the
13 third Tuesday following the regular election or
14 within three weeks after certification of the
15 results of the election. When more than one
16 Council seat for the same term is to be filled,
17 total votes cast for a respective office shall
18 be determined by dividing the total number of
19 votes cast for all candidates by the number of
20 vacancies for the positions. (A.S. 29.26.060)

21 Section 4. HMC Section 1.16.010 regarding general penalties
22 is hereby repealed and reenacted to read:

23 1.16.010 General Penalty. Every act in
24 violation of this Code is declared unlawful.
25 Unless another penalty is expressly provided
26 by this Code for any particular provision or
 section, every person convicted of a violation
 of any provision of this Code or any rule or
 regulation adopted or issued in pursuance thereof
 shall be punished by a fine of not more than one
 thousand dollars. Every act of violation and
 every day upon which such violation shall occur
 shall constitute a separate offense. (A.S.
 29.25.070(a))

1 Section 5. HMC Section 9.08.020 which makes assessments a
2 lien, but does not specifically refer to interest and penalties
3 as part of the amount of the assessment is hereby repealed and
4 reenacted to read:

5 9.08.020 Assessments to be liens. Assessments,
6 together with penalty and interest, are liens upon
7 the property assessed and are prior and paramount
8 to all other liens or encumbrances against the
 property except municipal tax liens.

9 Section 6. HMC Section 9.08.155 concerning sale of fore-
10 closed properties is amended by adding the following language:

11 The clerk or clerk's designee shall send a
12 copy of the published notice of the public
13 hearing on the ordinance for such determination
14 by certified mail to the former record owner of
15 the property that is the subject of the ordinance.
16 The notice shall be mailed within five days after
 its first publication and shall be sufficient if
 mailed to the last record owner of the property
 as the name appears on the assessment rolls of
 the municipality (A.S.29.45.460(c)).

17 Section 7. HMC Section 9.08.170 concerning disposition of
18 proceeds upon sale of foreclosed properties, is hereby repealed
19 and reenacted to read:

20 9.08.170 Proceeds of sale. Upon sale of
21 foreclosed property, the proceeds of such sale
22 shall be first applied to the assessment, accrued
23 interest, penalty and costs. Any remaining proceeds
24 shall be remitted to the former record owner upon
 presentation of a proper claim. A claim for the
 excess filed after six months of the date of sale
 is forever barred (A.S. 29.45.310(b)).

25 Section 8. HMC Section 9.08.100(b) permitting a person to
26 redeem only a portion of foreclosed property, is repealed in
 conformance with A.S. 29.45.400.

1 Section 9. The first sentence of HMC 9.08.110 regarding the
2 effect of receipt of redemption money for foreclosed property is
3 hereby amended to read:

4 9.08.110 Effect. Receipt of redemption
5 money by the Clerk releases the judgment
6 obtained through foreclosure. (A.S. 29.45.410)

7 Section 10. HMC 9.08.140 regarding required notice upon
8 expiration of redemption period for foreclosed properties is
9 hereby amended by the addition of the following language to the
10 fifth sentence of said section:

11 The Clerk shall send a copy of the published
12 notice by certified mail to each record owner
13 of property against whom a judgment of foreclosure
14 has been taken and if the assessed value of the
15 property is more than \$10,000, to all holders of
16 mortgages or other liens of record on the property.
17 (A.S. 29.45.440 (a)).

18 Section 11. HMC 1.24.050 1. is enacted to read:

19 1. Salaries of Elected Officials. The council
20 may fix by ordinance the salaries of elected
21 officials before they are elected. Salaries
22 may not be changed during a term of office. An
23 elected official may not receive any other compen-
24 sation for service to the municipality unless
25 specifically authorized to do so by ordinance.
26 Per diem payments or reimbursements for expenses
are not compensation under this section.

27 Section 12. HMC 18.04.040, Dedication of Municipal
28 Property, is hereby enacted to read:

29 18.04.040 Dedication of Municipal Property.
30 Dedication of streets, rights-of-way, easements
31 or other areas for public use may not be
32 construed to require the municipality to
33 maintain, improve or provide for municipal

services in the area dedicated and the dedication does not impose any liability on the municipality for the condition of the area dedicated. (A.S. 29.71.020).

Section 13. Renumbering of statutory references.

References to the Alaska Statutes in the Homer Municipal Code are hereby renumbered as follows:

TITLE 1

<u>HMC PAGE #</u>	<u>OLD STATUTE</u>	<u>NEW STATUTE</u>
1	29.23.360	29.20.360
1	29.48.180	29.25.050
5	29.48.140	29.25.020
5	29.48.160	29.25.030
5	29.48.170	29.25.040
5	29.48.180	29.25.050
7-1	29.48.010 (8)	29.35.210 (a) (9)
7-1	29.48.200	29.25.070
8	29.23.410	29.20.460
8	29.23.450	29.20.490
8	29.23.290	29.20.250 (a)
10	29.23.200-.210	29.20.150-.160
10	29.23.240-.280	29.20.160-.280
13	29.23.370	29.20.370
14	29.48.010	29.35.010 (3) - (14)
17	29.48.030 (14)	29.35.200
20	29.48.030 (7)	29.35.200

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<u>TITLE 2</u>		
<u>HMC PAGE #</u>	<u>OLD STATUTE</u>	<u>NEW STATUTE</u>
	NONE	
<u>TITLE 3</u>		
	NONE	
<u>TITLE 4</u>		
35	29.28.010-29.28.050	29.26.010-29.26.070
<u>TITLE 5</u>		
49	29.48.035 (19)	29.35.210
49	29.48.030 (17)	29.35.200
49	29.48.035	29.35.210
50	29.48.035 (15)	29.35.210
53	29.48.035 (15)	29.35.210
56	29.48.035 (13)	29.35.210
58	29.48.035 (19)	29.35.210
<u>TITLE 6</u>		
	NONE	
<u>TITLE 7</u>		
62	29.48.035 (1)	29.35.210
77	29.48.035 (1)	29.35.210

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TITLE 8

<u>HMC PAGE #</u>	<u>OLD STATUTE</u>	<u>NEW STATUTE</u>
80	29.48.035 (10)	29.35.210
80	29.48.035 (b)	29.35.200 (b)

TITLE 9

101	29.53.200-29.53.390	29.45.290-29.45.500
109/119	29.53.440-29.53.460	29.45.700-29.45.710

TITLE 10

NONE

TITLE 11

134	29.35.010 (9)	29.35.150
134	29.48.035 (1)	29.35.210

TITLE 12

149	29.48.130 (a) (12)	29.25.010
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TITLE 13

NONE

TITLE 14

152	29.48.030 (11)	29.35.200
162	29.48.030	29.35.200

TITLE 15

NONE

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TITLE 16

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TITLE 17

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TITLE 18

HMC PAGE #

OLD STATUTE

NEW STATUTE

179	29.48.260 (c)	29.35.090
179	29.48.010 (9)	29.35.010 (8)
179	29.48.260	29.35.090
185-1	29.73.030	29.71.010
185-1	29.73.020	29.35.030
186	29.48.035 (15)	29.35.210
186	29.48.035 (8)	29.35.210

TITLE 19

206	29.48.030 (6)	29.35.200 (b)
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TITLE 20

214	29.48.35 (5)	29.35.210
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TITLE 21

258-29a	29.33.110	29.40.050
258-29a	29.33.130	29.40.060

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TITLE 22

NONE

DATED at Homer, Alaska, this 12th day of September,
1988.

CITY OF HOMER

By

John P. Calhoun
John P. Calhoun, Mayor

ATTEST:

Patti J. Whalin
Patti J. Whalin, City Clerk

Reviewed and Approved as to form and content:

Philip C. Shealy
Philip C. Shealy
City of Manager

A. Robert Hahn, Jr.
A. Robert Hahn, Jr.
City Attorney

First Reading: August 8, 1988

Public Hearing: August 22, 1988

Second Reading: September 12, 1988

Date of Adoption: September 12, 1988

Effective Date: September 13, 1988